

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jiri Zemlicka et al

Serial No.: 10/047,202

Filed: January 14, 2002

For: 2-  
**HYDROXYMETHYLCYCLOPROPYLIDENEMETHY  
LPURINES AND -PYRIMIDINES AS ANTIVIRAL  
AGENTS**

Attorney Docket No.: WSV-374CPCN

Group Art Unit: 1624

Examiner: M. Berch

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Examiner Shukla

## Certificate of Facsimile

I hereby certify that this correspondence is being facsimile transmitted to Examiner Shukla at the Patent and Trademark Office, facsimile no. 703-872-9306, on the date shown below.

Dated: March 30, 2004

Signature: 

(DeAnn F. Smith)

TERMINAL DISCLAIMER

Dear Sir:

I, DeAnn F. Smith, Registration No. 36,683, as attorney of record in the above-identified patent application, hereby declare that Wayne State University, of 4017 Faculty/Administration Building, 636 West Kirby Street, Detroit, Michigan, 48202, and the Regents of The University of Michigan, of 3003 S. State Street, Wolverine Tower, Room 2071, Ann Arbor, Michigan, 48109-1280, are the owners of the above-identified patent application by Assignment documents executed for the parent application (Serial No. 09/267,839). Assignment documents executed for the parent application by the inventors to Wayne State University and the Regents of The University of Michigan include: the Assignment executed by inventor Jiri Zemlicka on May 24, 1999 and recorded on August 23, 1999 at Reel 010186, Frame 0751; the Assignment document executed by inventor Yao-Ling Qui on June 25, 1999 and recorded on August 23, 1999 at Reel 010186, Frame 0751; the Assignment document executed by inventor John C. Drach on June 15,

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1999 and recorded on August 23, 1999 at Reel 01086, Frame 0738; and the Assignment document executed by inventor Roger G. Prak on June 14, 1999 and recorded on August 23, 1999 at Reel 010186, Frame 0741.

Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Wayne State University and the Regents of The University of Michigan hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,352,991, issued March 12, 1999, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,352,991, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Wayne State University and the Regents of The The University of Michigan do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,352,991, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

Signed at Boston, Massachusetts this 30<sup>th</sup> day of March 2004 by:  
Respectfully submitted,  
LAHIVE & COCKFIELD, LLP.DeAnn F. Smith, Esq.  
Registration No. 36,683  
Attorney for Applicants

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